

1 A. Not at this time.

2 Q. Do you have any idea when he might have come off?

3 A. I couldn't tell you right now.

4 Q. Was it during this year of 2005?

5 A. No.

6 Q. Was it during 2004?

7 A. I'm not sure.

8 Q. On Wednesday, April the 28th, 2005, in a supplement
9 to the Erie Times, involving the E-generation, the Booker T.
10 Washington Center provided a sponsorship ad for Mr. Coleman.
11 Are you familiar with that ad?

12 A. Yes.

13 Q. Did you authorize the placement of this ad?

14 A. Yes.

15 Q. When was the request made for you to authorize this
16 ad?

17 A. I don't recall.

18 Q. Would there be documentation at the Booker T.
19 Washington Center as to when the request came in for this
20 sponsorship?

21 A. Probably not.

22 Q. Why do you say not?

23 A. Because, actually, the request came from -- in from
24 the Erie Times-News when we were working on a project, and
25 basically there is no documentation saying -- any written

1 format, only thing -- you can look at the cancelled check and
2 get an idea of when we paid it.

3 Q. So the request came from the Erie Times-News,
4 itself?

5 A. Correct.

6 Q. Mr. Coleman's testimony was he sent the request by
7 e-mail to the Booker T. Washington Center. Is he inaccurate?

8 A. I have no idea. He didn't have to send it to me
9 just because it came to the Booker T. Washington Center.

10 Q. So as executive director, would somebody have come
11 to you and gotten approval for the sponsorship?

12 A. Yes.

13 Q. Did someone on staff come to you --

14 A. Yes.

15 Q. -- and get that approval?

16 A. Yes.

17 Q. Who was that individual?

18 A. Sue Beard.

19 Q. What position does she hold?

20 A. She's no longer with the agency.

21 Q. What position did she hold at the time?

22 A. She was my executive assistant.

23 Q. Do you know where she's at now?

24 A. You mean address-wise, we can get that from the
25 controller.

1 Q. How long was Ms. Beard your executive assistant?

2 A. Probably -- in terms of that capacity, six months or
3 so.

4 Q. Can you tell us when she started and when it ended.

5 A. January of -- no. December of '04 to June of '05.

6 Q. Prior to Ms. Beard, did you have an executive
7 assistant?

8 A. No. Basically she volunteered and worked in the
9 capacity of -- whatever job needed to be done she did.

10 Q. So she volunteered as your executive assistant?

11 A. No. She volunteered at the organization. There is
12 no title.

13 Q. Was she your first executive assistant?

14 A. Yes.

15 Q. With regard to this case -- as you know,
16 Mr. Martinucci had to prepare an Answer to our Complaint in
17 this case. Did you participate and provide him with
18 information for that answer?

19 A. To the best of our ability, yes.

20 Q. When you say "our ability," who are you referring
21 to?

22 A. The staff at the Booker T. Washington.

23 Q. Identify those staff.

24 A. I'll have to get you a roster of all the staff.

25 Q. Give me some idea, please, and then provide me with

1 the roster for that time.

2 A. We probably have about 12 full-time -- about 8 to 10
3 full-time staff members who are working a full-time capacity
4 at least.

5 Q. Was there anyone in particular that was primarily
6 responsible for providing him with information or just you?

7 A. Brian Bessetti worked with me, Anita Smith worked
8 with me because they were here since the -- during that time
9 frame.

10 Q. You say Leah?

11 A. Brian Bessetti --

12 Q. And Leah?

13 A. -- and Anita Smith were here during the -- actually,
14 I think they are the only employees that were here during
15 that time frame. Since that time we were looking for
16 documents from a time period. So I asked them if they had
17 any knowledge or awareness of any documentation.

18 Q. So when the Answer to our Complaint was filed, were
19 those two individuals and yourself the primary source for the
20 Answers to our Complaint of employment discrimination?

21 A. Correct. And I did ask anybody on the board who had
22 any information or anything. Anybody who had any information
23 during that time frame we were trying to get --

24 Q. Did the board members meet with counsel personally?

25 A. What time frame are you talking about?

1 Q. In preparation for the Answer to our Complaint of
2 employment of discrimination?

3 A. I don't think we had any personal contact. It was a
4 request for information possibly.

5 Q. Did you have personal contact as the Answer was
6 being prepared?

7 A. I may have. Like I said, I've had many
8 conversations with Mr. Martinucci on several things.

9 Q. Now, I also filed a Request for Admissions, and
10 Admissions are a series of questions, and the party you give
11 them to is supposed to provide answers. Did you participate
12 in the preparation of those answers?

13 A. To the best of my ability, yes.

14 Q. Were you the only individual who provided
15 Mr. Martinucci with information so that the request for
16 admissions could be completed?

17 A. As I stated before, I talked to Mr. Bessetti and
18 Ms. Smith.

19 Q. You spoke with them?

20 A. In order to try to get the answers to the questions,
21 yes.

22 Q. I also requested production of various documents.
23 Who was responsible for gathering those documents?

24 A. As I said before, Mr. Bessetti, myself, and
25 Ms. Smith, were getting as much documentation prepared as

1 possible.

2 Q. When Mr. Coleman left the Booker T. Washington
3 Center board of directors, describe for us the nature of his
4 relationship with the board at that time.

5 A. I don't understand the question.

6 Q. Tell me what you don't understand about the
7 question.

8 A. The nature of his relationship, he was a board
9 member, he resigned, that was it. What more can you -- what
10 more can I say.

11 Q. What was the nature of his personal relationship
12 with the members on that board at the time that he resigned?

13 A. Well, his relationship was at the beginning of the
14 board, I believe.

15 Q. But you weren't on the board when he first came on,
16 were you?

17 A. Correct.

18 Q. Mr. Coleman resigned after our complaint of
19 employment discrimination was filed. Did the board of
20 directors, or anyone on the board of directors, suggest that
21 Mr. Coleman resign?

22 A. Not that I know of.

23 Q. Did you suggest that he resign?

24 A. No.

25 Q. Were there people who said to Mr. Coleman that it

1 would be in the best interests of the Booker T. Washington
2 Center if he resigned?

3 A. Not that I know of.

4 Q. When is the last time you saw Mr. Coleman?

5 A. I'm not sure. I mean, I know he has stopped by one
6 time and said he was moving out of town, that was it. It was
7 probably right before his deposition or after. I can't give
8 you an exact time frame, but it was in -- sometime in June
9 maybe. I'm not sure. Like I said, I've seen him, but I
10 don't recall exactly the last time.

11 Q. Did you speak with Mr. Coleman about his deposition?

12 A. I told him to make sure he touches base with
13 Mr. Martinucci so that we can get this taken care of before
14 he moves out of town.

15 Q. Have you discussed with him his deposition?

16 A. I don't -- actually, I don't think I've had any
17 discussion with him since his deposition, no. Not that I
18 recall.

19 Q. When I gave my first -- excuse me, when I gave my
20 Request for Admissions -- Question No. 25. I'll read it to
21 you and read to you the answer of that request. This is the
22 request -- and remember, admissions are, you give a
23 statement, and the person admits, denies, or admits in part
24 and denies in part, but this is the request, No. 25, "On or
25 about August the 13th, 2002, in a meeting with the Center's

1 staff, Mr. Sean Coleman, the Center's vice president,
2 admitted calling African-American employees niggers."

3 The response at that time was, "Admitted in part,
4 and denied in part. It is admitted that Mr. Coleman, also
5 African American, acknowledged using the word nigger or
6 niggers or some deviation of the word" --

7 MR. MARTINUCCI: Derivation.

8 Q. "Derivation of that word. Upon information and
9 belief, however, it is denied that Mr. Coleman's use of this
10 word was necessarily restricted to African American
11 employees." Let me ask you --

12 MR. MARTINUCCI: If you're going to read the
13 answer, you're going to read it correctly and
14 completely in the record. The answer is, "Admitted
15 in part and denied in part. It is admitted that
16 Coleman, also African American, acknowledged using
17 the word nigger or niggers or some derivation of
18 that word. Upon information and belief, however,
19 it is denied that Coleman's use of this word was
20 necessarily restricted to references to
21 African-American employees. As Plaintiff is aware,
22 Coleman is no longer a member of the Defendant's
23 board of directors and has moved from the area.
24 The Defendant has been unable to contact Coleman to
25 ascertain the specific scope and context of this

1 reference referred to in the Request for
2 Admissions. This response for Request for
3 Admissions will be supplemented at such time as the
4 parties are able to depose Mr. Coleman." That's
5 the complete answer.

6 MS. BENSON: Let me finish.

7 Q. Now, you've previously testified that you were
8 primarily the source of information provided to
9 Mr. Martinucci in response to discovery requests, and that
10 you also relied upon Ms. Smith, and Brian -- how do you
11 pronounce Brian's last name?

12 MR. MARTINUCCI: Bessetti.

13 Q. This admission contained here, where Booker T.
14 Washington Center acknowledged he used the word nigger or
15 niggers, did that come from you?

16 A. You mean did I write that?

17 Q. No. I didn't ask if you wrote it. You provided
18 information -- you've previously testified that you provided
19 information to counsel to answer Requests for Admissions.
20 Did you acknowledge --

21 A. Did I acknowledge the fact that --

22 Q. That he used the word nigger or niggers?

23 A. No. I did not acknowledge the fact that he used the
24 words. I believe that during this time, in dealing with
25 this, there has been -- he's been involved in discussion

1 with -- before the deposition -- probably right after August
2 and September, whatever else, once he found out, he'd been in
3 the room with us many different times and had conversations
4 with counsel also.

5 Q. So Mr. Coleman has?

6 A. Yes.

7 Q. So is it your testimony that Mr. Coleman
8 acknowledged --

9 A. I don't know whether he did or he did not. I'm just
10 telling you that that is what's in the admissions, that came
11 from our legal counsel, I'll leave it at that. Are you
12 asking me if I wrote it or if I said it? I don't know what
13 the question is.

14 Q. I'm not asking you if you wrote it or said it. I'm
15 going back to the response --

16 A. Did I provide the information, is that the question?

17 Q. That's correct. Did you provide the information?

18 A. Okay. We had -- like I said before, any information
19 that's provided was not 100 percent from me. Primarily, yes,
20 but we do have that information. If that's what Mr. Coleman
21 states and that's what he says, I can't deny or agree with
22 it.

23 Q. Did Anita Smith provide this information?

24 A. Again, I can't tell you the source of exactly where
25 that information came from. It's in there, and it's

1 accurate. It came from a former board member or staff
2 member.

3 Q. You think --

4 A. Go ahead.

5 Q. Do you think it came from Mr. Coleman himself?

6 A. Again, I didn't put it there, I'm not going to sit
7 down here and try to guess. Mr. Coleman -- you deposed him,
8 you could have asked him that question. I don't know.

9 Q. Is it possible that --

10 MR. MARTINUCCI: It doesn't matter if it's possible
11 or not. The only thing that matters is whether or
12 not he knows. You're asking him to speculate.

13 You've been asking him to speculate all day, and in
14 the interest of time I've been letting it go.

15 MS. BENSON: Well, in the interest of time, and
16 also, accuracy, I can ask him to speculate under
17 the Federal Rules.

18 MR. MARTINUCCI: No, you can't.

19 MS. BENSON: Yes, I can. Because as long as my
20 questions and his answers lead to possible evidence
21 that could support our claim, or your defense, I
22 can ask the question.

23 Q. Now --

24 A. I don't know the answer to that question.

25 Q. With regard to the Request for Admissions, the

1 response to No. 19 -- the request, I'm sorry, to No. 19
2 states, "Plaintiff had not," meaning Mr. Sherrod --
3 "Plaintiff had not approved the field trip that led to
4 Plaintiff," meaning Mr. Sherrod, "being fired. The document
5 attached as Exhibit E is a list of the field trips approved
6 by Plaintiff."

7 The response to No. 19 is, "Defendant lacked
8 sufficient knowledge as to admit or deny the Request for
9 Admission as to whether or not the field trip in question was
10 approved by Plaintiff. It is admitted that Exhibit E is a
11 list of approved field trips, but Defendant lacks sufficient
12 knowledge as to admit or deny the Request for Admission as to
13 whether or not the list is complete."

14 Now, going back to August 6, 2002, and your
15 subsequent assumption of Mr. Sherrod's position, did you
16 learn that Mr. Sherrod had approved a list of field trips?

17 A. In what capacity are you asking me this?

18 Q. In any capacity, did you learn that Mr. Sherrod had
19 approved a list of field trips for the summer of 2002?

20 A. I don't remember having the discussion with anybody
21 about that.

22 Q. Was there any way you may have learned? For
23 instance, looking for documents?

24 A. I didn't see a list of field trips that said
25 approved, disapproved, or anything else. I had -- that

1 wasn't what I was doing.

2 Q. Since this case was filed, since the Complaint was
3 filed -- you are aware that Mr. Sherrod's firing centered
4 around the field trip of 2002, right?

5 A. I wouldn't agree with that.

6 Q. You wouldn't agree with what?

7 A. What you just said.

8 Q. Well, you agree that a field trip was involved on
9 August 6, 2002?

10 A. You're asking me, was there a field trip August 6,
11 2002, if that's what they called it, then, fine, yes, there
12 could have been a field trip in 2002. I think what I'm
13 confused on your question was, I don't know if it was a
14 question, a statement, or -- I'm not really clear on what
15 you're trying -- what you're asking me.

16 Q. Again, earlier you testified that you provided
17 counsel with information so that Answers to the Request for
18 Admissions could be completed, right?

19 A. Correct.

20 Q. And you relied, if necessary, on other staff, right?

21 A. Correct.

22 Q. Now, were you given a copy of my Request for
23 Admissions?

24 A. Yes.

25 Q. And so, you were familiar with the fact that the

1 request of 19 said, attached is a list of exhibit -- is
2 Exhibit E, which is a list of field trips approved by
3 Mr. Sherrod, right?

4 A. And who's to say that that's authorized those --
5 who's to say that that's true or -- fact or fiction. That's
6 not my responsibility. I don't know. That could be true;
7 that could not be true.

8 A. In order to make sure that the response to the
9 Request for Admissions was accurate and complete, did you go
10 to staff and say, attached to this Request for Admissions is
11 Exhibit E --

12 A. And everybody would possibly say, to the best of
13 their ability, they don't know. I don't know.

14 MR. MARTINUCCI: For the record, we've already been
15 in front of the Judge on Request for Admission 19,
16 and she denied your Motion to Compel on that point.
17 So I think that his answers are complete, and I
18 think that they're acceptable.

19 MS. BENSON: I understand, and I do recall the
20 Judge's ruling. However, I don't think his answer
21 is complete because this is the opportunity for me
22 to ask him what his knowledge is.

23 MR. MARTINUCCI: And he's given it to you.

24 MS. BENSON: And I want to make sure that I
25 understand his response.

1 Q. You said that you received a copy of my Request for
2 Admissions and the attached exhibits, correct?

3 A. Correct.

4 Q. And you looked over Exhibit E, which contained a
5 list of field trips; is that correct?

6 A. To the best of my ability, I don't remember Exhibit
7 E, F, G or whatever else. All I can tell you is that whether
8 it pertains to whether or not these field trips are
9 authorized, I cannot answer the question.

10 Q. In order to make sure that the Defendant's answers
11 were accurate and complete, did you consult with other staff
12 in a position to know whether the list of exhibits were
13 approved by Mr. Sherrod?

14 MR. MARTINUCCI: The list of exhibits? The list of
15 field trips?

16 MS. BENSON: The list of field trips, I'm sorry.

17 A. I have to say, like I said before, who -- on that
18 staffing pattern, would know whether it's true or false.

19 Q. Well, you've previously testified that you relied
20 upon Ms. Smith --

21 A. Right.

22 Q. -- and Mr. Bessetti --

23 MR. MARTINUCCI: Bessetti.

24 Q. Bessetti, I'm sorry.

25 MR. MARTINUCCI: You'll get it right one of these

1 days.

2 MS. BENSON: I certainly will.

3 Q. Now, that you relied upon them. Did you go to them
4 and simply say, here's Exhibit E?

5 A. I didn't get that specific.

6 Q. Now, with regard to Request No. 20, Request No. 20
7 is, "The controller approved the trip in question." And the
8 response -- the answer is, "Admitted that the controller was
9 aware of the field trip and permitted it."

10 Did Mr. Bessetti tell you that he approved the field
11 trip for August 6, 2002?

12 A. I've never asked Mr. Bessetti, Mr. Bessetti, did you
13 approve a field trip on August 6, 2002.

14 Q. So you never asked him?

15 A. Not directly like that, no.

16 Q. Now, just for the record, tell us the race of
17 Mr. Bessetti.

18 A. Mr. Bessetti, according my knowledge anyway, is a
19 white male.

20 Q. Tell us the race of Anita Smith.

21 A. Again, according my knowledge, or my perception of
22 her, she's a white female.

23 Q. In all of your relationships with -- excuse me just
24 a moment. Let me just take a break here for a second.

25 (Pause in the proceedings.)

1 Q. We're back on the record. Going back to August
2 2002, isn't it correct that Mr. Sherrod was not under any
3 disciplinary action by the board of directors?

4 MR. MARTINUCCI: At what time?

5 MS. BENSON: In August 2002.

6 A. Honestly, I'm not sure.

7 Q. Well, you were on the -- you testified earlier that
8 you came on the board in January 2002.

9 A. Correct.

10 Q. All right. So from January 2002 to August 12, 2002,
11 isn't it correct that Mr. Sherrod was not under any
12 disciplinary action by the board of directors?

13 A. I never really studied the history of his job
14 evaluations or his performance on what actions or goals and
15 objectives. We were just getting down to that point. As it
16 was stated, I had just joined the board in January, I
17 probably became active in April, March, or May, and basically
18 trying to get more involved in June and July in working with
19 Mr. Sherrod, and then August came. So, again, in answering
20 your question, I wasn't involved in any performance, as --
21 according to my -- to the best of my ability, I have to say,
22 no. But is it correct, I don't know.

23 Q. To the best of your knowledge, from January, when
24 you came on the board, 2002, to August 12, 2002, the board
25 had not taken any action with regard to Mr. Sherrod --

1 disciplining Mr. Sherrod?

2 A. No one on the board had informed me of any
3 disciplinary action, correct..

4 Q. And we're only dealing with when you came on.

5 A. Correct..

6 Q. Now, isn't it correct that you thought Mr. Sherrod
7 was a hard worker?

8 A. I never -- that was a sure -- again, when you look
9 at that, not being involved in the day-to-day activity or
10 anything else, I didn't really get a chance to make any kind
11 of assessment.

12 Q. Well, at board of director meetings, you received
13 reports from Mr. Sherrod, right?

14 A. Yes..

15 Q. And he reported on the organizational activities;
16 isn't that correct?

17 A. I believe so, yes. Correct..

18 Q. Isn't it correct that, based on information that he
19 provided to the board, you thought he was doing a good job?

20 A. Again, in -- to answer that question, it was just
21 like -- it was just as fast going to the board meetings -- I
22 mean, basically I jumped from January to August 12th. For me
23 it was just like jumping into the fire. Now, if you're
24 asking me did I have ample time to make an assessment of
25 Mr. Sherrod's ability, I have to say, no..

1 Q. I would assume that you make opinions about people's
2 ability on a daily basis; isn't that correct?

3 A. That's my job.

4 Q. It was your job at Community Health Net, and it's
5 your job now at Booker T. Washington Center; isn't that
6 correct?

7 A. Correct.

8 Q. So going back to when you were appointed on January
9 2002 up to August 12, 2002, isn't it correct, from your
10 observations and what you heard and saw from Mr. Sherrod,
11 that you thought he was doing a good job?

12 A. Again, I didn't have enough information to form an
13 opinion at that time.

14 Q. What information would you have needed in order to
15 form an opinion?

16 A. Information that I probably was going in the
17 direction of looking at, which was past performances, what's
18 going on, you know, how the programs are going, some of the
19 opinions of some of the employees who are working with him.
20 That's the way I would make my assessment. And I didn't have
21 that information at the time. Between that time frame, I
22 didn't -- again, we were building on that relationship.

23 Q. When you say "we were building on that
24 relationship," who were you referring to?

25 A. Mr. Sherrod and myself. As I stated before, we met

1 in August, and that's what we were building on.

2 Q. You met in August --

3 A. We met right before this incident. You remember I
4 had mentioned that we met -- again, the exact time frame, it
5 could have been July 31st. I don't know.

6 Q. You're referring to the meeting to discuss
7 management committee things?

8 A. Yes. Correct.

9 Q. But you've been on the board since January.

10 A. But we were just getting to the point of formulating
11 an understanding of what was going on within the
12 organization.

13 Q. Would it be more correct to say that you were just
14 getting to that point?

15 A. Well, we were building our relationship, yes.

16 Q. Now, isn't it correct that you always found him
17 approachable?

18 A. Is this a question about his character?

19 Q. Isn't it correct that you found Mr. Sherrod
20 approachable?

21 A. In reality, I never had the opportunity or time to
22 really approach him. I mean, if we're talking about his
23 character or what I think about that, that's different. But
24 I never had the opportunity to approach him.

25 Q. You never had the opportunity to interact with

1 Mr. Sherrod?

2 A. Not in the environment.

3 Q. Excuse me?

4 A. Not in the Booker T. Washington Center Environment.

5 Q. Let's separate the two, and let's talk about it.

6 Let's talk about it in terms of personal situation. You've
7 found him approachable, haven't you?

8 A. I don't think anybody would say that he's not
9 approachable.

10 Q. So would your answer be, yes, he's approachable?

11 A. Yes, he's approachable.

12 Q. So when you came on the board in January of 2002,
13 you felt comfortable to go to him if you wanted to know
14 something, didn't you?

15 A. It never happened.

16 Q. It never happened, but did you feel comfortable that
17 you could?

18 A. I never even thought about it, honestly.

19 Q. Other than yourself and Mr. Coleman, please identify
20 for me the other board members who dealt with the management
21 of the Booker T. Washington Center from August 12, '02 until
22 the termination letter of September 25, '02.

23 MR. MARTINUCCI: Could you clarify what you mean by
24 "management".

25 Q. You had previously testified that there were members

1 of the board working with staff to run the organization.

2 A. Well, I'm not sure what -- what relationship each
3 board member had. I do know that some board members had
4 different kinds of relationships with the staff. But
5 according to the way I looked at it, basically, in working
6 with Anita Smith, more than likely I was the number one
7 contact person, and most of the decisions overall that were
8 made between August and September were relatively just what
9 was already planned. So there wasn't really any major
10 management decisions made. If anything came up like the
11 alarm system going off, it would be somebody's responsibility
12 to answer it. That's the only decision that I think that
13 even may have come up one time.

14 Q. So were you the major contact person with staff from
15 August the 12th until you became the interim person?

16 A. At that time, with Anita Smith, yes. Anita Smith
17 was the contact for overall staff, and Anita and I was in
18 contact with one another.

19 Q. As of August the 12th?

20 A. As soon as we decided that we had to make a move and
21 we were going to be, you know, not getting anything, yes.
22 I'm not sure if it was exactly August 12th, or it could have
23 been August 14th. I'm just not going to sit and say as of
24 August 12th.

25 Q. But it was during that week --

1 A. Correct.

2 Q. -- that you became the board's contact and Anita
3 Smith became the staff contact with the board?

4 A. Correct.

5 Q. Was your role to give her direction on what to do?

6 A. Well, my role was to troubleshoot if there's any
7 problems that came up that was out of the ordinary. But
8 everything else was already in place. The programs were
9 there, they were doing what they were supposed to do. I
10 didn't give directions or directives.

11 Q. So is it correct that you basically began to play
12 the transitional role that you had proposed to the board in
13 your letter and in Exhibit 2 -- that you began to play it
14 that week of August 12, 2002?

15 A. No.

16 Q. Then tell me when.

17 A. The role started, as in that letter, around October
18 6th.

19 Q. And the role before October 6th, how was it
20 different than what is proposed in Exhibit 2?

21 A. Let me just look at Exhibit 2 again here.

22 The role that I was playing during that time frame
23 was the role as the volunteer board member, and that's the
24 way I looked at that. As making sure that, you know, if
25 there's any management decisions that are going to be made,

1 that I could possibly help as a volunteer board member. The
2 difference between that role and this role was that I was no
3 longer going to be working in a volunteer capacity. So,
4 therefore, in October, I was no longer working in a volunteer
5 capacity. Those are the differences between the roles.

6 Q. Were the decisions or the issues similar, though?

7 A. I don't think so. The decisions before that time
8 was basically: Are the lights off, yes; are the lights on,
9 no. Are we open for business today, yes; are we closed for
10 business today, yes. That was it.

11 Q. What role did the other board members play?

12 A. I didn't have a direct relationship with all of the
13 board members. Like I said, any board, you don't really deal
14 with all of them and what their roles were going to be. So I
15 honestly did not know at that time.

16 Q. Did the board at any point in 2002 -- August of
17 2002, or at any subsequent -- did the board at any point on
18 August 12, 2002, or thereafter, discuss the responsibilities
19 of each board member with regard to running the agency?

20 A. Basically went back to what I was doing what the
21 board discussed. But now you also have the regular volunteer
22 board activities where when people need to come in and sign
23 checks, or do something like that, that was a normal part of
24 day-to-day operations, which, again, I wasn't involved in at
25 that time.

1 Q. So there was some discussion in the board about who
2 would be doing what?

3 A. Only for -- again, the discussion was, I would be a
4 contact person if there was any questions that Anita Smith
5 could not handle.

6 Q. What was Mr. Coleman's responsibility from August
7 the 12th, 2002 on?

8 A. He was the vice president of the board.

9 Q. And what were his responsibilities with regard to
10 the organization on the day-to-day basis?

11 A. I have no clarification of what his responsibilities
12 would have been during that time.

13 Q. When you became the transitional person in October
14 of 2002, what was Mr. Coleman's responsibilities at that
15 point?

16 A. Vice president of the board.

17 Q. And with regard to the day-to-day operation of the
18 organization?

19 A. There is no -- there was no relationship to the
20 day-to-day operation of the organization.

21 Q. Did Mr. Coleman come into the office on a regular
22 basis?

23 A. Regular basis during that time frame, yes, I'd say.

24 Q. How would you define "regular"?

25 A. Maybe twice a week.

1 Q. What would be his concerns?

2 A. Talking about the issues of what's going on, trying
3 to figure out how we can move forward between August 12th and
4 the time that we met. Basically what we're going to do, how
5 we're going to do it, where we're going to go. All the
6 above.

7 Q. Is it your testimony that prior to August 2002 you
8 only met with Mr. Sherrod once regarding the responsibilities
9 of the management committee?

10 A. No. My testimony was that before the incident I met
11 with him once.

12 Q. After August 12, 2002, did the board know of your
13 contacts with Mr. Sherrod?

14 A. Yes.

15 Q. Did they know of them before or afterwards?

16 A. All depends on who you talk to. I mean, basically
17 the board knew that I was in conversation with Mr. Sherrod
18 because I had let them know, but then again, if someone
19 wasn't there, they may have found out afterwards.

20 Q. Did you tell people informally, who were board
21 members, that you were meeting with him?

22 A. Yes.

23 Q. Isn't it correct that in these conversations with
24 Mr. Sherrod you were supportive of him?

25 A. In what way are you saying "supportive"?

1 Q. That you thought he should return to his job.

2 A. I was in support of the organization moving forward,
3 and that if it meant that he needed to return to his job to
4 help with the transition, yes.

5 Q. Well, isn't it correct that you thought that he
6 should return to his job and basically carry out his
7 responsibilities as executive director?

8 A. I think that's what I just said.

9 Q. No. Your response said --

10 A. Transitional.

11 Q. -- transitional. Isn't it correct that you, at
12 least initially, thought that he should be -- he should
13 return permanently to his job?

14 A. I'll tie it back to what I said earlier. My goal
15 was to make sure that the organization stayed afloat. My
16 goal was to have James return back to his job in a
17 transitional period, which would have given ample time to
18 make a correct evaluation, and that's what I requested.
19 Is -- to say that for the time frame that I was on the Booker
20 T. Washington Center Board, I was really unable to see how we
21 got to this point. But, if we are at this point, then given
22 ample time during the transitional period, we may be able to
23 figure out some of the things that we can improve on.

24 So now, as I state that, it was always involved in
25 the transitional period. This was the same conversation that

1 I had with Mr. Sherrod, and I told him -- and I basically
2 said, if possible -- the transition is the key for the
3 organization's success. If the overall board doesn't want
4 you as the executive director, that's their right. There's
5 nothing we can say about that. But as an organization, we
6 must look out for the organization.

7 Q. You said something in there about an evaluation.

8 A. No. I'm saying that -- you asked me earlier, one of
9 your questions was, what was my opinion of Mr. Sherrod. My
10 answer to you earlier was, I didn't have enough time to make
11 an assessment or an opinion of what his responsibilities
12 were. But again, you know, maybe there could have been some
13 miscommunication somewhere or something else, I don't know.
14 I didn't have the answers at that time.

15 Q. Do you recall speaking with Mr. Sherrod on August
16 12th -- in the evening of August the 12th, 2002?

17 MR. MARTINUCCI: Objection. Asked and answered.
18 You can answer it if you know.

19 A. As I said before, the times, the dates, or anything
20 else -- I spoke to him on several occasions. Exactly was it
21 August 12th in that evening or was it August 13th in the
22 evening, I don't know. But I do know I spoke to him on
23 several occasions.

24 Q. It seems as if you're indicating that that's a
25 possibility that you spoke to him on the 12th or the 13th.

1 Pretty close to that meeting of August 12th in the morning.

2 MR. MARTINUCCI: What meeting in the morning?

3 MS. BENSON: The board of directors.

4 MR. MARTINUCCI: The one that took place at noon?

5 MS. BENSON: That's right. I'm sorry. At noon.

6 A. I don't understand that question.

7 Q. Let me go back. You've previously testified there
8 was a board of directors' meeting on August the 12th, 2002,
9 that you believe occurred between noon and 2:00. My question
10 to you was did you speak with Mr. Sherrod on the evening of
11 August the 12th?

12 A. And I said, I don't recall. I had several
13 conversations since that meeting with Mr. Sherrod, and I
14 can't tell you the exact time frame of those conversations.

15 Q. Is it possible, though, in light of what was decided
16 at the meeting of August 12th, that you spoke with him that
17 evening?

18 A. What was decided?

19 Q. That the board was terminating him.

20 A. No. That was decided that Mr. Sherrod resigned.
21 Because that was my issue.

22 Q. That the board wanted him to resign or they would
23 fire him.

24 A. No. That was not stated during that meeting, and
25 that was not -- it never was stated, you either resign or

1 you're fired. Never.

2 Q. Did the management committee ever meet to receive
3 information regarding accusations of -- let me rephrase the
4 question. Did the management committee ever meet to receive
5 accusations against Mr. Sherrod and his work performance?

6 A. During my tenure?

7 Q. Yes. During your tenure.

8 A. Mr. Sherrod --

9 Q. And let me -- during your tenure, I'm going back to
10 August of 2002. Did the management committee meet to receive
11 accusations against Mr. Sherrod regarding his work
12 performance in August of 2002?

13 A. There was no meeting with the intent of evaluating
14 his work performance. The meeting's intent was to evaluate
15 whether or not his resignation was truly tendered and that --
16 where we were going to go with the transition. That was the
17 purpose of the management meetings after August 12th.

18 Q. When did these meetings occur?

19 A. Between August 12th and September 20th.

20 Q. And who participated?

21 A. The management committee members, some of the board
22 members, and the overall board with the overall board
23 meetings.

24 Q. Did you call these meetings together?

25 A. I did not call all the meetings together.

1 Q. Who called them if you didn't?

2 A. We did the same process as we do with every other
3 board meeting. At that time, I believe, and she may have
4 still been there, either Kia or Anita would send out and call
5 all the board members and tell them that we were meeting.

6 Q. Were these meetings of the management committee
7 recorded?

8 MR. MARTINUCCI: Objection. Asked and answered.

9 Q. Please answer.

10 A. Again, when you say "recorded," by tape, I -- I'm
11 not sure which meetings we're talking about in terms of
12 whether they were the management committee meetings or
13 they're -- if they're available, they would be back at the
14 Center.

15 Q. Did you have notes on those meetings?

16 MR. MARTINUCCI: Objection. Asked and answered.

17 Q. Answer the question.

18 MR. MARTINUCCI: Again.

19 A. I know from some of my management committee
20 meetings, and this is probably prior to August, I had taken
21 notes and I had sent them e-mail and sent them hard copies to
22 other people who were on the committee. In reference to
23 exact meetings on -- between that time, I don't know if
24 there's any available notes or any recordings.

25 Q. When was a decision made by the management committee

1 to recommend that Mr. Sherrod be terminated?

2 A. The management committee never made a
3 recommendation. The board made the recommendation.

4 Q. At the management committee meeting or meetings --
5 isn't it correct that Mr. Sherrod was never invited to attend
6 those meetings?

7 A. I have no idea, honestly.

8 Q. You were chairman of the committee --

9 A. I never invited him, if that's your question, no.

10 Q. Isn't it true that the management committee
11 recommended an extensive severance package be paid to
12 Mr. Sherrod after meeting with him and crunching the numbers?

13 A. No. The management committee never made a
14 recommendation for anything. That was a board meeting where
15 we discussed what would -- if -- if there was going to be a
16 severance package, what that severance package would be.

17 Q. When was that meeting of the board?

18 A. That meeting, again, was between August 12th and
19 September 20th.

20 Q. Did the board of directors speak with Mr. Sherrod in
21 relationship to this package?

22 A. You were in the meeting when we got the final
23 package together. That was -- that was the communication
24 from the overall board.

25 Q. I'm sorry, say that again.

1 A. Exhibit 8 was the communication from the overall
2 board to Mr. Sherrod in reference to the final severance
3 package.

4 Q. Who would you say was the lead person in the matter
5 dealing with Mr. Sherrod and the incident of the August 6th,
6 2002?

7 A. I don't know. I couldn't really pinpoint one
8 individual.

9 Q. Is there any documentation anywhere that would help
10 you be able to pinpoint an individual?

11 A. No.

12 Q. Going to the meeting of August the 12th -- the board
13 of directors' meeting of August the 12th, who would you say
14 was the lead person in that meeting?

15 MR. MARTINUCCI: Objection. Asked and answered.

16 Q. Answer the question.

17 A. Several board members were involved.

18 Q. Identify.

19 A. You have Sean Coleman, Paul Gambell, Kathy Lyons,
20 Mike Butler, myself, and I don't recall if he came in after
21 this meeting or during this meeting, but I know, eventually,
22 Charles Faulkerson had a say.

23 Q. Essentially those are the people that you've
24 identified as being present. Now, among those people who
25 were present on August the 12th, 2002, who was the lead

1 person in the board of directors' meeting on August the 12th,
2 2002?

3 A. Like I said, all the people I identified had a
4 voice, and they all commented or made some kind of comment
5 during the meeting. And that's what I -- comments and
6 overall action with the board is what I denote as taking the
7 lead. And anybody who took the helm and started talking was
8 my way of saying taking the lead.

9 Q. Had there been a meeting of either the board of
10 directors or the executive committee or the management
11 committee on the Friday preceding August the 12th, 2002?

12 A. I have no knowledge of any meeting.

13 Q. You were not present?

14 A. I believe I stated I was probably out of town during
15 that time. I'm not sure.

16 Q. Now, when you learned of the meeting for August the
17 12th, had you been informed that a decision had been made,
18 perhaps on that Friday, to fire Mr. Sherrod?

19 A. No. Not at all.

20 Q. You'd not been informed of that?

21 A. Before August 12th --

22 Q. Yes.

23 A. -- was there any conversation regarding the
24 termination of James Sherrod?

25 Q. Yes.

1 A. No.

2 Q. With you. Were you informed that a decision had
3 been made to fire Mr. Sherrod before August the 12th, 2002?

4 A. Termination of Mr. Sherrod never came up to me
5 before August 12th of 2002.

6 Q. So that means you remember who called you and told
7 you of the meeting on August the 12th.

8 A. What does that mean? Termination was never
9 discussed. How does that relate? I told you more than
10 likely about the meeting, Cathy Lyons is more than likely the
11 person that informed me, but she never said termination
12 because she said that -- and if she was the one that informed
13 me. We both could've gotten a call. I know I had a
14 discussion with Cathy Lyons because she said, why are we
15 going to a meeting. I said, I don't know.

16 Q. Are you aware that a meeting occurred of either the
17 board of directors, the executive committee, or the
18 management committee, the Friday preceding August the 12th,
19 2002?

20 MR. MARTINUCCI: He just answered that question two
21 minutes ago.

22 A. Anything prior to August 12th in reference to this
23 matter -- basically it was part of the matter, in my opinion.
24 If somebody or any board member or anything else -- maybe it
25 was happening the same day, I don't know. On August 12th was

1 the first time I ever heard of anything in relationship to
2 Mr. Sherrod and, basically, his not being part of the Booker
3 T. Washington Center. I was shocked on that day. So,
4 therefore, I -- I'm absolutely sure there was no conversation
5 with me before that.

6 Q. I'm not saying with you.

7 A. Well, I didn't hear of anything before that either.
8 This is the first time that that's been even brought to my
9 attention that there was some prior meetings before that.

10 Q. Prior to accepting your current position did you
11 ever have aspirations of heading up an agency?

12 A. That's a broad question.

13 Q. That's correct. Prior to assuming your position as
14 executive director of the Booker T. Washington Center did you
15 ever have aspirations of being a CEO or head of an agency?

16 MR. MARTINUCCI: What do you mean by "agency".

17 MS. BENSON: Social service agency or a corporate
18 business.

19 A. Prior to taking the position at the Booker T.
20 Washington Center, my goal, and my goal still is, to go back
21 for a Ph.D. or JD. My aspirations, at one point in time I
22 plan on being the president of some kind of college. Now, if
23 that happens, it happens; if it didn't, it didn't. I kind of
24 changed that as I started to move towards what I wanted to do
25 in terms of aspirations.

1 Q. At one point did you aspire to become the executive
2 director of the Booker T. Washington Center?

3 A. I never have.

4 Q. But you are.

5 A. But you asked the question at what point, and I
6 said, I never did.

7 Q. In your opinion, from the point that you became
8 executive director (sic) in January of 2002 until you became
9 the executive director, and I think you said that was in
10 February of 2003 --

11 A. No. I became January --

12 Q. January 2003. How did you see the agency and its
13 services?

14 A. When I became in January 2003?

15 Q. From the point that you became on the board, which
16 was in January of 2002, until Mr. Sherrod was let go in
17 September of 2002, how did you see the agency and its
18 services?

19 MR. MARTINUCCI: What do you mean "how do you see"?

20 MS. BENSON: How did he see the agency and its
21 services?

22 MR. MARTINUCCI: What do you mean by "see"?

23 A. I was learning about the agency during that time
24 frame. As I said before, it was an introduction. I had
25 no idea of Booker T. Washington Center, as I said, until I

1 joined the board.

2 Q. Based on the information you had from January 2002
3 to September of 2002, did you have a sense that the Booker T.
4 Washington Center was carrying out its responsibilities to
5 provide social services to the community?

6 A. That's what I was working on and getting the
7 assessment of, and that's why I was meeting with
8 Mr. Sherrod. So I could have a better understanding of the
9 organization. So I did -- if you're asking me between the
10 time that I started until August, I'm telling you that I was
11 still learning about the Center.

12 Q. Now, you testified you came on in January of 2002,
13 and --

14 A. On the board.

15 Q. -- you met with Mr. Sherrod in August of 2002. Did
16 the management committee have any meetings during that time
17 period?

18 A. Yes.

19 Q. How often?

20 A. I'd say, basically from that time frame it was
21 eight -- let's just say that's eight months. Let's say I
22 came on board in April, let's say we probably -- April, May,
23 June -- let's say out of five -- we probably met three of out
24 five months that I was on board.

25 Q. During that time did you have to address matters

1 involving a specific employee?

2 A. I don't remember addressing any -- we had just
3 gotten into it basically in August. That was the first
4 employee issue that I had to address.

5 Q. Do you recall what the attendance record was of the
6 other committee members?

7 A. No, I don't.

8 Q. Do you recall whether from the time period that you
9 came on the management committee until September 2002 --
10 whether minutes were taken of the management committee
11 meetings?

12 A. I know -- again, probably I want to estimate maybe
13 two or three out of the five of that time frame, yes, there
14 were minutes taken of those committee meetings.

15 Q. Were reports made by the management committee to the
16 board of directors?

17 A. Yes.

18 Q. Who made those reports?

19 A. I did.

20 Q. Were the reports prepared by you in writing, or were
21 they given orally?

22 A. Three out of the five months were probably in
23 written format, and the rest was probably verbal.

24 Q. Who prepared the written report?

25 A. They were computer generated by myself.

1 Q. You came on in January of 2002. Tell us what your
2 attendance record was like at board meetings up to August
3 2002.

4 A. Again, I don't recall my entire attendance, but I
5 think that I may have the first two meetings, which probably
6 would have been taking place in January and February. I
7 think, possibly -- my first real meeting that I attended was
8 possibly March, April, May, June, and July. Which are the
9 five months that I've been talking about.

10 Q. Were reports ever given to you, or complaints, in
11 your capacity as chair with regard to board members?

12 A. What type of reports are we talking?

13 Q. Did any of the tenants of the Booker T. Washington
14 Center ever complain to you with regard to the conduct of
15 board of director members between August of 2002 and December
16 of 2002?

17 A. I'm not sure if there was a report, but I did have a
18 conversation with one person I remember.

19 Q. Who was that person?

20 A. I believe that was Debbie Jamison.

21 Q. And Ms. Jamison worked for which tenant in the
22 building?

23 A. The WIC office.

24 Q. What was Ms. Jamison's complaint about?

25 A. She wanted to have more information on what was

1 going on and the conduct of what's happening in the facility.

2 Q. Did Ms. Jamison complain to you about Mr. Sean
3 Coleman?

4 A. Yes, she did.

5 Q. Did Ms. Jamison complain to you about his behavior?

6 A. Yes.

7 Q. Did she complain to you with regard to what he said?

8 A. Yes.

9 Q. Did Ms. Jamison complain to you that Mr. Coleman
10 treated or referred to African Americans as niggers?

11 A. No.

12 Q. Did she tell you that Mr. Coleman mistreated African
13 Americans?

14 A. No.

15 Q. Well, tell us what she complained about Mr. Coleman.

16 A. His profanity.

17 Q. His profanity. Did she give you examples of his
18 profanity?

19 A. No.

20 Q. She didn't tell you what language or words he used?

21 A. Not that I recall.

22 Q. Is it possible that she did?

23 A. I don't recall. I know that basically more than
24 likely she didn't because -- I'm just thinking of our
25 conversation, and she used the word profanity and

1 unprofessional conduct. I think that's how the conversation
2 went.

3 Q. Was any action taken with regard to this?

4 A. Basically it was all -- it was brought to the
5 board's attention, and --

6 Q. By whom?

7 A. By myself. And the question was, is this true or is
8 this false, and what are we doing in the hallways or what
9 kind of conversations are we having. And then it was saying
10 well we -- this is conduct not becoming of a board member,
11 and we'd like it not to happen, and that was it.

12 Q. At what meeting was this brought to the attention of
13 the board of directors?

14 A. Must have been a meeting in between the time that
15 she told me and the time the next meeting came up.

16 Q. So can you give me some idea of when that might have
17 been.

18 A. I'm going to have to say between August 12th and
19 September 20th.

20 Q. August 12th and September 20th?

21 A. Right. In the time frame, yes.

22 Q. That she complained to you and that you took it to
23 the board?

24 A. Yes. Correct.

25 MR. MARTINUCCI: What year?

1 A. 2002.

2 Q. What action was taken by the board of directors?

3 A. Again, it was an accusation, and basically, it was
4 addressed.

5 Q. How was it addressed?

6 A. It was addressed by saying, is this conduct
7 happening, or what's going on, how is it going on, and if
8 there's anything like this, this is unacceptable and
9 unbecoming of a board member.

10 Q. Did the board conclude that the conduct had taken
11 place?

12 A. I don't believe there was any conclusion that the
13 conduct had taken place.

14 Q. Was this meeting recorded?

15 A. I'm not sure.

16 Q. Was Ms. Jamison present for this meeting?

17 A. No.

18 Q. Was Mr. Coleman present?

19 A. I'm not sure.

20 Q. How many full-time employees does Booker T.
21 Washington Center currently have?

22 A. Define "full-time" for me.

23 Q. I will take that to be anywhere from 35 hours a
24 week.

25 A. Temporary or permanent?

1 Q. Well, I'll let you tell me how many temporary ones
2 you have working 35 hours, and permanent, 35 hours.

3 A. Temporary, we probably have about 20 people.

4 Q. Working?

5 A. Yes.

6 Q. 35 hours or more? And how many --

7 A. At least above 30.

8 Q. How many permanent employees?

9 A. Give or take, 10.

10 Q. Of your employees, how many were there when
11 Mr. Sherrod was executive director?

12 A. There is many changeovers and time frames, so you
13 have to look at that. During this time frame some of them
14 may not have been employed, some of them may have been
15 employed historically. I don't really know the answer to the
16 question, especially when it comes to the temporary.
17 According to the permanent ones, there's two.

18 Q. Just two?

19 A. Yes.

20 Q. And those are?

21 A. Mr. Bessetti and Ms. Smith.

22 Q. Both of whom are white?

23 A. Correct.

24 Q. No African Americans who were there when Mr. Sherrod
25 was there in 2002 are there now?

1 A. No. Employees -- other employees are there.

2 Q. I notice, on documents in which the Booker T.
3 Washington Center is provided a copy, that Attorney
4 Martinucci sends them to the controller, Brian Bessetti. Can
5 you tell me why he receives them as opposed to you.

6 A. I receive them.

7 Q. So you get them also?

8 A. Correct.

9 Q. Can you tell me whether he, the controller, receives
10 them because he must pay a bill? Must pay the attorney bill?

11 A. Are you asking why he receives correspondence?

12 Q. Yes.

13 A. So we can stay on top of what's going on. Just in
14 case I'm not available, he can make sure I get the
15 information.

16 Q. Is there a reason why he would get it as opposed to
17 Ms. Smith?

18 A. Ms. Smith sometimes gets information also.

19 Q. How was it decided that Mr. Bessetti would get
20 copies of documentations?

21 A. He gets the bills.

22 Q. For legal counsel services, how are you paying them?
23 Out of what funds are you paying them?

24 A. We're scraping the bottom of the barrel.

25 Q. But what funds are you using to pay him?

1 A. General funds.

2 Q. And those general funds come from where?

3 A. Rent revenues.

4 Q. Who are the tenants currently in the building?

5 A. Community Health Net, the WIC Program, the Senior
6 Center.

7 Q. Any others?

8 A. Not that I know of at this time. Unless I forgot
9 one.

10 Q. Why are you using general funds to pay legal fees?

11 A. Because these legal fees have nothing to do with our
12 programs.

13 Q. When Mr. Sherrod was there, he had taken out a -- an
14 insurance policy to cover board and staff errors and
15 omissions. Was this matter referred to the insurance carrier
16 to defend?

17 A. Yes.

18 Q. What happened there?

19 A. They rejected the claim because of the timing.

20 Q. When did they reject it?

21 A. I don't know the exact time frame.

22 MR. MARTINUCCI: I can probably provide you with
23 that information, but the reason for the rejection
24 was because the claim had not been submitted for
25 coverage during the EEOC process. Only at the end

1 of the EEOC process did I become aware that there
2 was any coverage out there, and that's the time
3 that it was submitted. And they said, no, it's too
4 late. We resubmitted when the Complaint was filed,
5 and they denied it again.

6 Q. Other than the building at 18th and Holland where
7 the Booker T. Washington Center is located, what other
8 property does the Booker T. Washington Center own?

9 MR. MARTINUCCI: I'm going to object on the basis
10 of relevance and direct Bill not to answer. This
11 is not a deposition in aid of execution, and you're
12 going beyond information that is relevant or
13 discoverable for the purposes of the underlying
14 civil litigation. So don't answer that question.

15 Q. What's your rent revenues you accumulate on a
16 monthly basis?

17 MR. MARTINUCCI: Same objection. Same direction.

18 Q. Who's the president of your board now?

19 A. Rege O'Neill.

20 Q. When did he become president?

21 A. I believe he became president January of this year.

22 Q. Who's the vice president?

23 A. Curtis Jones, Jr.

24 Q. Who's the secretary?

25 A. Erica Jackson.

1 Q. And treasurer?

2 A. Lieutenant John McCall.

3 Q. Lieutenant John McCall, is he in the military or the
4 police force or --

5 A. Police force.

6 Q. City of Erie?

7 A. Yes, I believe so.

8 Q. You've indicated that you don't know how to reach
9 Mr. Hamilton. Do you know how to reach Mr. Coleman?

10 A. I don't know at this point in time. I believe he
11 moved out of town now. I mean, he would have left a
12 forwarding address with you in that deposition; is that
13 correct?

14 MR. MARTINUCCI: Subsequent to the deposition, and,
15 yes, Ms. Benson was provided with that information.

16 MS. BENSON: My understanding, he's in town. He
17 never left town.

18 MR. MARTINUCCI: That's news to us.

19 MS. BENSON: I learned that last week that he never
20 left town.

21 A. That's news.

22 Q. Mr. Jeffress, prior to this August 2002, how would
23 you describe your relationship with Mr. Sherrod?

24 A. We were just getting to know one another.

25 Q. Based on the fact that you were just getting to know

1 one another, had you formed any initial impressions at all?

2 A. I felt that he was a good man.

3 Q. In what way did you feel that?

4 A. Well, I know that we belonged to the same
5 fraternity.

6 Q. Which fraternity is that?

7 A. Omega Psi Phi.

8 Q. What makes that so significant?

9 A. You belong to Omega Psi Phi Fraternity, that makes
10 you a good man.

11 Q. Is that so, and why is that? Since I could not join
12 for obvious reasons, why is that?

13 A. Well, we have basically some serious principals that
14 we follow.

15 Q. What are those principals?

16 A. Manhood, scholarship, perseverance, and uplift.

17 Q. I'm sorry?

18 A. Manhood, scholarship, perseverance, uplift.

19 Q. Would you say for that period of time he was at the
20 Booker T. Washington Center he demonstrated manhood?

21 A. If I didn't think he demonstrated those qualities, I
22 would have never joined the board in the first place.

23 Q. Do you think that while you were there he
24 demonstrated the skills and ability of an executive director?

25 A. He was the executive director, and I didn't have

1 ample time to make an assessment of any of his skills or
2 abilities.

3 Q. How long would it take you to have to do that?

4 A. I told you -- basically, ask my wife. It takes me
5 five years to get to know somebody.

6 Q. Five years?

7 A. I told my wife the first day I met her, five years.
8 Then I married her.

9 Q. So you formed not even preliminary opinions until
10 you've known somebody for five years?

11 A. Like I said before when you asked me about my
12 preliminary opinion, I said that we were part of the same
13 fraternity, he must be a good man.

14 Q. And until August 12, 2002, you had no reason to
15 question Mr. Sherrod's performance, did you?

16 A. Correct.

17 MS. BENSON: I have no further questions.

18

19 CROSS-EXAMINATION

20 BY MR. MARTINUCCI:

21

22 Q. Bill, I have just a couple of quick questions for
23 you. First of all, this is going down on a written
24 transcript, not a video transcript, so these questions are
25 going to sound silly, but ultimately they'll be important.

1 What is your race?

2 A. African American.

3 Q. What is your color?

4 A. Black.

5 Q. To your knowledge, is Mr. Sherrod also an African
6 American?

7 A. Yes.

8 Q. Is he also black?

9 A. Yes.

10 Q. What about Mr. Coleman?

11 A. Yes.

12 Q. To both?

13 A. He's black and African American, correct.

14 Q. Now, did you ever recommend support or take any
15 action against Mr. Sherrod because of his color?

16 A. No.

17 Q. What about because of his race?

18 A. No.

19 Q. Did you ever recommend, support, or take any action,
20 or not take any action, against Brian Bessetti or Anita Smith
21 because of their race?

22 A. No.

23 Q. With regard to that same series of questions, did
24 you ever do anything with regard to Mr. Sherrod because of
25 his color?

1 A. No.

2 Q. What about with regard to doing or not doing
3 anything concerning Mr. Bessetti or Ms. Smith because of
4 their color?

5 A. No.

6 Q. To your knowledge, has anybody taken any action
7 against Mr. Sherrod because of his race or color?

8 A. No.

9 Q. To your knowledge, has anybody not taken any action
10 between Mr. Bessetti or Ms. Smith because of their color?

11 A. No.

12 Q. What about because of Mr. Sherrod's race?

13 A. No.

14 Q. What about because of Mr. Bessetti's race?

15 A. No.

16 Q. What about because of Ms. Smith's race?

17 A. No.

18 Q. The three employees that were fired, that was Lester
19 Howard, Renee Coates-Smith, and Derek --

20 A. Coleman?

21 MS. BENSON: Johnson.

22 MR. MARTINUCCI: Johnson. Thank you. I thought
23 that was it, but I wasn't sure.

24 Q. Those were all African Americans?

25 A. Yes.

1 Q. Who fired them?

2 A. To my knowledge, Mr. Sherrod.

3 Q. Now, was it part of his responsibility, as the
4 executive director, to make those decisions?

5 A. Yes.

6 Q. With regard to Mr. Bessetti as the controller, whose
7 decision would it have been to take action against him?

8 A. Mr. Sherrod's.

9 Q. Are you aware of any allegation that anybody on the
10 board of directors told Mr. Sherrod not to take action
11 against Mr. Bessetti?

12 A. I'm not aware of any allegations.

13 Q. There was some question as far as whether or not the
14 use of the word nigger in a conversation between two black,
15 African-American males would raise a red flag to you. It was
16 your testimony that it would not.

17 MS. BENSON: Objection. It's irrelevant.

18 MR. MARTINUCCI: That's fine.

19 Q. You can go ahead and answer the question.

20 A. In the context, like I said, in terms of the
21 terminology or anything else, coming from an African-American
22 male, it could have been just a terminology that he was using
23 to describe something. I was -- I did not take it as being
24 discriminatory in terms of when it was brought to my
25 attention. And it was not actually being communicated as

1 discriminatory. It was being communicated as this was what
2 was said.

3 Q. Did Mr. Sherrod ever complain to you that he felt he
4 was being discriminated against on the basis of his race or
5 his color?

6 A. Not to my --

7 MS. BENSON: What time period are you referring to?

8 MR. MARTINUCCI: Any time period.

9 Q. Let me put it this way: Any time period before the
10 filing of the EEOC charge, did Mr. Sherrod ever complain to
11 you about being discriminated against on the basis of his
12 race or color?

13 A. No.

14 MR. MARTINUCCI: I have no further questions.

15 MS. BENSON: Just a few follow-up questions.

16
17 REDIRECT EXAMINATION

18 BY MS. BENSON:

19
20 Q. You previously testified that you came on the board
21 in January 2002. From January 2002 to August, before August
22 12, 2002, had the board of directors dealt with any personnel
23 matter?

24 A. Not to my knowledge.

25 Q. Now, are you aware that the board of directors had

1 indicated to Mr. Sherrod that he needed to inform them or
2 have their support in order to fire someone?

3 A. No.

4 Q. You're not aware of that?

5 A. No. Actually, that's -- actually, that's the first
6 time that's come to my attention.

7 Q. Now, you've just testified with regard to the use of
8 the terminology of nigger. And that sounds so much similar
9 to what Mr. Coleman testified -- how he testified. Did you
10 and he discuss how you would handle that?

11 A. No. I just think that he's, once again, an
12 African-American male, a black male. Basically you can
13 probably pick up three more outside and they'll probably give
14 you the same definition.

15 Q. I doubt that.

16 A. I -- I --

17 Q. Let me go on. You do realize that from most African
18 Americans, probably all African Americans, the word nigger is
19 considered offensive, don't you?

20 MR. MARTINUCCI: I'm going to object to the form of
21 the question. I mean, you're offering an opinion
22 without any empirical support for it.

23 MS. BENSON: Let me go back.

24 Q. You just testified you're an African-American male.

25 A. Yes.

1 Q. And I guess you've heard the word nigger used in an
2 employment context, haven't you?

3 A. I've never been in the employment environment where
4 I've really heard the word used.

5 Q. If Mr. Coleman instructed Mr. Sherrod, in an
6 employment context, to fire those niggers, wouldn't you
7 conclude that he was referring to African Americans and
8 African Americans only?

9 A. No.

10 Q. Have you ever heard a white individual, in an
11 employment context, being described as a nigger?

12 A. Yes.

13 Q. When?

14 A. On several occasions.

15 Q. In an employment context?

16 A. Yes.

17 Q. Where at?

18 A. Gateway Community College, Community Health Net,
19 basically. You know, in terms of -- you said describe --
20 using it in that context, an employment environment, have I
21 ever heard. Now, was it in an employee-related issue or
22 anything else, no. It was outside of the scope of the job.
23 It was an employment context, but the cafeteria.

24 Q. I'm talking about in an employment situation, have
25 you ever heard a white person being referred to as a nigger

1 in employment?

2 A. No. I've never heard a black person being referred
3 to as -- I told you earlier I didn't hear it, but outside of
4 an employee context, yes. That's why I want to make sure I'm
5 clear on what you're asking me. I have heard it -- the
6 description being said, whether you're white, black,
7 Hispanic, or whatever else, I have heard them use the
8 terminology. Now, in an employment context, I haven't heard
9 it, whether you're white, black, or Hispanic.

10 Q. So in an employment context you've not heard it at
11 all?

12 A. No.

13 Q. If, as Mr. Sherrod says, he was instructed by
14 Mr. Coleman to fire those niggers, would you agree that that
15 was in an employment context?

16 A. I wouldn't think that that was an employment context
17 because that's not his responsibility to instruct him to do
18 so. Since -- since I'm aware of that -- what his position
19 is, and I'm aware of what Mr. Sherrod's position is, you can
20 say fire anybody. But I'm just saying that, you know, that's
21 not in an employment context because that's not his
22 responsibility to tell him to fire them.

23 Q. The average individual, wouldn't you say, having
24 heard that would say that he had been instructed to fire
25 those three individuals?

1 MR. MARTINUCCI: Objection. Calls for speculation.
2 That one I'm going to direct you not to answer.
3 You're not even asking for his opinion now. You're
4 asking for the average individual's opinion.

5 MS. BENSON: Let me go back.

6 Q. If you were standing there when he had been given
7 the instruction by Mr. Coleman to fire those niggers, in an
8 employment context --

9 A. So that means we're in the boardroom.

10 Q. No. This means after -- excuse me, let me go back.
11 Are you aware -- you testified earlier that Mr. Coleman
12 participated with Mr. Sherrod in interviewing of Lester
13 Howard, Derek Johnson, and Renee Coates-Smith, right?

14 A. I don't know if I testified that way because, like I
15 said, I wasn't present there. So I don't know whether he did
16 or didn't.

17 Q. Did you learn at any point that Mr. Coleman
18 participated in those interviews?

19 A. I did -- again, I've heard that from -- now I know
20 Mr. Coleman I heard it from, when I interviewed Renee
21 Coates-Smith or something else, it was basically he was
22 there, yes.

23 Q. In fact, you, as chairperson of the management
24 committee, conducted all three appeal hearings, right?

25 A. Yes.

1 Q. So you were aware from their appeal that Mr. Coleman
2 was part of the interviewing process, weren't you?

3 A. I was aware he was present, yes.

4 Q. You were aware that he asked questions?

5 A. Again, I didn't get into that much detail. I wasn't
6 looking at that.

7 Q. Were you aware that he took notes?

8 A. No, I was not.

9 Q. So you handled these three appeals, and you did not
10 find out what his role was in those hearings -- in the
11 interview meetings?

12 A. In my opinion, Mr. Coleman didn't have an opinion --
13 or a role in the termination of those employees. I was not
14 present. I was answering the appeal that they were
15 terminated, not who they were terminated by.

16 Q. Did Mr. Coleman tell you he was present for those
17 interviews?

18 A. I don't know if he came out and said I was present
19 for those interviews, no.

20 Q. So going back to the appeal of Lester Howard, Renee
21 Coates-Smith, and Derek Johnson, Mr. Coleman never revealed
22 to you, as the chair of the management committee, that he was
23 present for those interviews?

24 A. Again, I don't recall him saying to me, I was
25 present during those interviews.

1 Q. In your committee review of those appeals, describe
2 for us Mr. Coleman's role.

3 A. I'm not sure what his role was. His role was a
4 member of the management committee.

5 Q. What did he do in the meetings?

6 MR. MARTINUCCI: During the meetings or during the
7 hearings?

8 MS. BENSON: During the appeal.

9 A. I don't recall, but I -- I believe that in certain
10 instances he did not start out on the meetings, but then he
11 did come in on the meetings because they weren't -- they
12 wanted to basically talk to him.

13 Q. Because?

14 A. The people who were being heard wanted to express
15 their opinions in front of him. So he was called in.

16 Q. Was he called in by you or by them?

17 A. He was called in by me, but it was requested of
18 them.

19 Q. Now, as part of that, did he describe for you his
20 role in the interviewing of all three of these individuals?

21 A. No. I -- he did not describe what his role was in
22 interviewing those individuals. The only thing that I know
23 is that the question was asked, did you tell James to fire
24 these individuals.

25 Q. Who asked that question?

1 A. I did.

2 Q. And what was his response?

3 A. I never told James that.

4 Q. So his response to you was that he never told James
5 that?

6 A. Correct.

7 Q. When did the management committee meetings take
8 place?

9 A. Between August 12th and September 20th.

10 Q. Let me show you what I think now would be Exhibit
11 No. 10.

12 (Jeffress Deposition Exhibit No. 10 marked for
13 identification.)

14 A. Okay.

15 Q. Can you tell us what Exhibit No. 10 is.

16 A. Exhibit No. 10 is Booker T. Washington Board
17 management committee minutes.

18 Q. What date is on Exhibit 10?

19 A. September 3, 2002.

20 Q. Who prepared these notes?

21 A. It looks -- these look like notes that I would have
22 prepared.

23 Q. Did you prepare it?

24 A. These look like notes that I would have prepared,
25 yes.

1 Q. That you would have prepared?

2 A. I can't tell you these are the notes, but it looks
3 like my format -- or my style that I would have done it, but,
4 yes, these -- these are some of the notes that I said that --
5 remember when I was telling you that there was probably about
6 a handful of minutes that I kept and I typed myself, this is
7 probably a copy of those minutes.

8 Q. When did you prepare these minutes?

9 A. I probably prepared them about a couple days -- or
10 probably right after the meeting. These notes look like
11 notes that were probably taken on my iPAQ, which I stated
12 earlier would have a hard copy somewhere.

13 Q. So you believe you prepared these minutes?

14 A. Yes.

15 Q. Was September the 3rd the actual date of the
16 meetings?

17 A. These minutes would be -- if it's reflected in these
18 minutes, and these are the minutes that I printed out, yes,
19 it would be September 3rd.

20 Q. Now, here, down at 1:30 p.m., it says, "Appeal
21 regarding termination of second employee," and it appears to
22 deal with Mr. Johnson. Down at the bottom, I'll just read
23 you the last paragraph, "The committee decided that it would
24 not overturn the termination of Ms. Coates or Mr. Howard.
25 The committee felt, if Mr. Johnson's story was correct, then

1 she should not be terminated. We would seek counsel on how
2 to present each case to the individuals." Now, we know from
3 your prior testimony that Mr. Johnson was, in fact, fired.
4 Why was the committee thinking about not firing Mr. Johnson?

5 A. One of the reasons was that -- I don't recall 100
6 percent, but I believe Ms. Coates-Smith, and also Mr. Howard,
7 were basically saying he had nothing -- no involvement or
8 something else. I actually don't recall exactly why, but I
9 do remember that they had basically -- you know, when asked
10 what their involvements were, they had said that Mr. Johnson
11 probably didn't have, but there was no -- he was a part-time
12 employee, I believe, at the time, too. So I'm not -- I don't
13 recall exactly why, at that point in time, but I do know that
14 it came from Ms. Coates-Smith and Mr. Howard in reference to
15 that, in their defense of him.

16 Q. Why was he fired nonetheless?

17 A. Well, again, I can't define why he was terminated.
18 I can only address the appeal.

19 Q. What was your committee's recommendation of the
20 appeal?

21 A. After further review, it was in the best interests
22 of -- you know, to not overturn any of the terminations and
23 to move forward from there.

24 Q. Why was it in the agency's best interests to
25 terminate Mr. Johnson if the committee felt that he really

1 wasn't involved?

2 A. Well, at that point in time there were no programs
3 or anything else that he was going to be involved in and
4 doing. So as part-time employee, we weren't going to be --
5 we wouldn't have anything for him to do.

6 Q. So you would go ahead and fire him?

7 A. We did not fire him. We just -- basically we had a
8 discussion with him, and that discussion led to basically not
9 continuing the relationship.

10 Q. Did you rescind the termination?

11 A. Again, as -- I don't recall. I believe that we gave
12 each individual an opportunity to resign on their own.

13 Q. But here's an individual that you're testifying did
14 nothing wrong.

15 A. I didn't testify that they did nothing wrong, I was
16 just over -- looking at the appeal, and basically, having a
17 conversation with these individuals, we said, that, yes,
18 you're probably right. We shouldn't use the word
19 "terminated" on these forms, or anything else. But if you
20 would like to resign your position, then we will -- we will
21 basically look at it as a resignation rather than a
22 termination.

23 Q. You're not sure whether Mr. Johnson was a part-time
24 or a full-time employee?

25 A. Correct. I believe he was part-time.

1 Q. Are there any documents at Booker T. Washington
2 Center that would indicate to us whether he was full- or
3 part-time at that time?

4 A. Payroll records.

5 Q. Are there any documents that would let us know what
6 was the basis of the committee's thinking with regard to
7 Mr. Johnson not being fired?

8 A. This is the minutes from the meeting.

9 Q. And that's it?

10 A. And then we met with the employees.

11 Q. Did Mr. Johnson give you a resignation letter?

12 A. I don't recall.

13 Q. In his personnel file, does it show that he was
14 terminated?

15 A. As I recall -- I don't remember his personnel file,
16 but according -- if anybody were to contact us or anything,
17 no, he was not terminated.

18 Q. That's what you would say?

19 A. Correct.

20 Q. But there is no documentation that you are aware of
21 that shows otherwise?

22 A. Not that I have my hands on at this time.

23 Q. Now, you said you were a member of some fraternity,
24 and what were the principals? Manhood, scholarship --

25 A. Perseverance and uplift.

1 Q. Does that require being honest?

2 A. I would say it does.

3 Q. So from your personal opinion, in an employment
4 context, if someone gives an instruction to fire those
5 niggers, would that individual be referring to African
6 Americans?

7 A. The way I interpret it, I'd say, no.

8 Q. The way you personally interpret it?

9 A. That's what you asked me.

10 Q. Even in an employment context?

11 A. Like I said, with that being said, my interpretation
12 of -- at this time would have been, no, it wasn't racially
13 motivated.

14 Q. I'm not asking you racially motivated. I'm asking
15 you whether or not it would be a reference to African
16 Americans.

17 MR. MARTINUCCI: He's answered the question --

18 MS. BENSON: He can answer it again.

19 MR. MARTINUCCI: -- repeatedly.

20 MS. BENSON: He can answer it again.

21 A. I'd say that, again, I don't -- me, personally, I
22 don't take it as a reference to African Americans.

23 Q. Did you ever take it as a reference to just African
24 Americans?

25 A. Did I ever, no. Because I never really used the

1 word, and it's never really been used around me that much.

2 Q. But you've heard it used.

3 A. Yes. And that's why I gave you the definition that
4 I gave you.

5 Q. And you've known about its use historically.

6 A. Historically I've been taught that the word is used
7 for ignorant people.

8 Q. You've also, haven't you, been taught that the word
9 nigger has been used to refer to individuals of African
10 decent?

11 A. I've heard that, too, yes.

12 Q. And you've heard --

13 A. But I don't accept it.

14 Q. But you've heard that that's the way the word has
15 been used, haven't you?

16 A. I've heard, but I don't accept it.

17 Q. I understand what you may not accept it. You've
18 heard that, historically, the word niggers has been used to
19 refer to African Americans, haven't you?

20 MR. MARTINUCCI: Objection. Asked and answered.

21 Q. Answer the question.

22 MR. MARTINUCCI: No. You know what, don't.

23 Q. Answer it.

24 MR. MARTINUCCI: No. I'm going to direct you not to
25 answer the question.